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10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 BRAND Q, INC., a California corporation,
13

14 Plaintiff,

15 v.

16 CHRIS K. LEE FASHION, LLC,
17 individually and doing business as
18 “Vesuvio Napoli” and “Tievest.com”; and
19 DOES 1-10, inclusive,

20 Defendants.
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Case No.:

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT (17 U.S.C. § 106)**

JURY TRIAL DEMANDED

1 Plaintiff, Brand Q, Inc., by and through its undersigned attorneys, hereby
2 prays to this honorable Court for relief based on the following:

3 **JURISDICTION AND VENUE**

4 1. This action arises under the Copyright Act of 1976, Title 17 U.S.C. §
5 101, *et seq.*

6 2. This Court has federal question jurisdiction under 28 U.S.C. §§ 1331
7 and 1338 (a).

8 3. Venue in this judicial district is proper under 28 U.S.C. §§ 1391(c)
9 and 1400(a) in that this is the judicial district in which a substantial part of the acts
10 and omissions giving rise to the claims occurred.

11 4. This Court has personal jurisdiction over Defendants because
12 Defendants maintain a principal place of business and do business within the State
13 of California and in this District.

14 **PARTIES**

15 5. Plaintiff BRAND Q, INC. (“Plaintiff” or “Brand Q”) is a California
16 corporation with its principal place of business located at 712 E Washington Blvd,
17 Los Angeles, California 90021.

18 6. Plaintiff is informed and believes and thereon alleges that Defendant
19 Chris K. Lee Fashion, LLC (“CKLF”), individually and doing business as
20 “Vesuvio Napoli” and “Tievest.com,” is a California limited liability company
21 with its principal place of business located at 234 W 24th Street, Los Angeles, CA
22 90007.

23 7. Upon information and belief, CKLF is the owner, operator, and/or
24 controller of the online storefront at <https://www.tievest.com> (“CKLF Store”).

25 8. Upon information and belief, CKLF is the owner of a U.S. Trademark
26 Registrations for “Vesuvio Napoli” in class 025, Registration No. 4,566,277.

27 9. Defendants DOES 1 through 10, inclusive, are other parties who have
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1 infringed Plaintiff's copyrights, have contributed to the infringement of Plaintiff's
 2 copyrights, or have engaged in one or more of the wrongful practices alleged
 3 herein. The true names, whether corporate, individual or otherwise, of Defendants
 4 1 through 10, inclusive, are presently unknown to Plaintiff, who therefore sues said
 5 Defendants by such fictitious names, and will seek leave to amend this Complaint
 6 to show their true names and capacities when same have been ascertained.

7 10. Plaintiff is informed and believes and thereon alleges that at all times
 8 relevant hereto each of the Defendants was the agent, affiliate, officer, director,
 9 manager, principal, alter-ego, and/or employee of the remaining Defendants and
 10 was at all times acting within the scope of such agency, affiliation, alter-ego
 11 relationship and/or employment; and actively participated in or subsequently
 12 ratified and adopted, or both, each and all of the acts or conduct alleged, with full
 13 knowledge of all the facts and circumstances, including, but not limited to, full
 14 knowledge of each and every violation of Plaintiff's rights and the damages
 15 proximately caused thereby.

16 **NATURE OF THE SUIT**

17 11. This case the concerns the copyright infringement of Brand Q's
 18 original two-dimensional artwork, Brand Q Design #20. Defendants infringed
 19 Brand Q's Design # 20 by copying, reproducing, and distributing products bearing
 20 reproductions of said artwork without Brand Q's knowledge, permission, or
 21 authorization.

22 **FACTUAL BACKGROUND**

23 **Brand Q's Copyright**

24 12. Brand Q is a well-established manufacturer and wholesaler of men's
 25 formalwear products, including ties, jackets, vests, belts, shoes, suspenders, pocket
 26 squares, and bowties.

27 13. Brand Q owns an original two-dimensional paisley print entitled
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1 Brand Q Design #20 (the “Subject Design”), which has been a staple of Brand Q’s
2 product line. The Subject Design has been registered with the United States
3 Copyright Office under Registration No. VA 2-218-590, a true and correct copy of
4 which is attached hereto as **Exhibit A**.

5 14. Brand Q has enjoyed substantial success in the wholesale market
6 offering products bearing the Subject Design and owned exclusively by Brand Q.

7 15. Prior to the acts complained of herein, Brand Q marketed and sold
8 garments bearing the Subject Design through its authorized third-party distributors,
9 including, but not limited to www.amazon.com and www.walmart.com.

10 **Defendants’ Infringing Conduct**

11 16. On information and belief, Defendants are necktie, bowtie, and
12 accessories retailers, who operate the website <https://www.tievest.com>.

13 17. In September of 2023, Brand Q discovered that Defendants have been
14 manufacturing and/or distributing product bearing unauthorized reproductions of
15 the Subject Design on products sold under its “Vestuvio Nepoli” label (the
16 “Offending Products”) on their abovenamed websites.

17 18. Brand Q has not authorized Defendants to copy, reproduce, duplicate,
18 disseminate, distribute, or create derivative works of the Subject Design.

19 19. A representative image of the Subject Design and exemplars of the
20 Offending Products are attached hereto as **Exhibit B**.

21 20. Brand Q did not manufacture or distribute the Offending Products.
22 Indeed, the Offending Products are of plainly inferior quality, differing size, and
23 include colors that Brand Q does not manufacture or distribute.

24 **FIRST CLAIM FOR RELIEF**

25 **(For Copyright Infringement (17 U.S.C. § 106) – Against all Defendants, and**
26 **Each)**

27 21. Plaintiff repeats, re-alleges, and incorporates herein by reference as
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1 though fully set forth, the allegations contained in the preceding paragraphs.

2 22. Plaintiff is informed and believes and thereon alleges that Defendants
3 and each of them, accessed the Subject Design through one of Brand Q's
4 authorized third-party retailers, or one of the numerous unauthorized parties Brand
5 Q has sued for infringing the Subject Design.

6 23. Defendants, and each of them, infringed Plaintiff's copyrights by
7 creating infringing derivative works from the Subject Design and distributing same
8 to the public.

9 24. Due to Defendants', and each of their, acts of infringement, Plaintiff
10 has suffered general and special damages in an amount to be established at trial.

11 25. Due to Defendants' acts of copyright infringement as alleged herein,
12 Defendants, and each of them, have obtained direct and indirect profits they would
13 not otherwise have realized but for their infringement of Plaintiff's rights in the
14 Subject Design. As such, Plaintiff is entitled to disgorgement of Defendants'
15 profits directly and indirectly attributable to Defendants' infringement of Plaintiff's
16 rights in the Subject Design in an amount to be established at trial.

17 26. Plaintiff is informed and believes and thereon alleges that Defendants,
18 and each of them, have committed acts of copyright infringement, as alleged
19 above, which were willful, intentional and malicious, which further subjects
20 Defendants, and each of them, to liability for statutory damages under Section
21 504(c)(2) of the Copyright Act in the sum of up to one hundred fifty thousand
22 dollars (\$150,000.00) per infringement. Within the time permitted by law, Plaintiff
23 will make its election between actual damages and statutory damages.

24 **PRAYER FOR RELIEF**

25 WHEREFORE, Plaintiff prays for judgment as follows:

26 1. That Defendants, and each of them, as well as their employees,
27 agents, or anyone acting in concert with them, be enjoined from importing,
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1 manufacturing, distributing, offering for sale, selling or otherwise trafficking in
2 any product that infringes Plaintiff's copyrights in the Subject Design;

3 2. That Plaintiff be awarded all profits of Defendants, and each of them,
4 plus all losses of Plaintiff, plus any other monetary advantage gained by the
5 Defendants, and each of them, through their infringement, the exact sum to be
6 proven at the time of trial, or, if elected before final judgment, statutory damages
7 as available under the Copyright Act, 17 U.S.C. § 101 et seq.;

8 3. That Plaintiff be awarded her attorneys' fees as available under 17
9 U.S.C. § 101 et seq.;

10 4. That Plaintiff be awarded pre-judgment interest as allowed by law;

11 5. That Plaintiff be awarded its costs of this action;

12 6. That Plaintiff be awarded further legal and equitable relief as deemed
13 proper.

14 **JURY DEMAND**

15 Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ.
16 P. 38 and the 7th Amendment to the United States Constitution.

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18 Respectfully submitted,

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20 Dated: October 30, 2023

21 By: /s/ Stephen M. Doniger
22 Stephen M. Doniger, Esq.
23 Scott Alan Burroughs, Esq.
24 Kelsey M. Schultz, Esq.
25 DONIGER / BURROUGHS
26 Attorneys for Plaintiff
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